REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed May 2, 2007. This Reply encompasses a bona fide attempt to overcome the rejections raised by the Examiner and presents amendments as well as reasons why Applicant believes that the claimed invention, as amended, is novel and unobvious over the applied prior art. Applicant respectfully requests reconsideration and favorable action in this case.

Specification Objections

The Abstract of the Disclosure was objected to for failing to specify the cited Application. The Examiner appears to be referring to paragraph 29 of the Specification and not to the Abstract. Paragraph 29 is amended herein to specify the serial number of the cited United States Patent Application. Accordingly, withdrawal of this objection is respectfully requested.

Rejections under 35 U.S.C. § 112

Claims 38 and 56 were rejected under 35 U.S.C. § 112, second paragraph, for containing insufficient antecedent basis for certain claim limitations. Claims 38 and 56 are amended herein. Applicant respectfully submits that claims 38 and 56 comport with the requirements of 35 U.S.C. § 112. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 1-60 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,336,133 ("Morris"). The rejection is respectfully traversed.

The standard for "anticipation" is one of fairly strict identity. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), MPEP § 2131. *See also* MPEP 706.02(IV). Thus, Morris does not anticipate claims 1-60 under 35 U.S.C. §102(e) unless Morris either expressly or inherently describes each and every element as set forth in claims 1-60.

Claim 1 recites: "establish at least one network bandwidth limit for each user in the set of users based on the corresponding user profile for that user." Independent claims 19, 37 and

55 recite similar claim language. As all dependent claims depend from claims 1, 19, 37 or 55, and so contain claim language similar to that reproduced above, claims 1-60 will be argued together.

As would be understood by one of ordinary skill in the art at the time of the invention, the term 'bandwidth' in computer networking refers to the amount of data that can pass through a network interface device (e.g., a router). Thus, the control and allocation of network bandwidth affects traffic management at the network device layer. In the past, network bandwidth was provisioned to devices on a per port basis. *See* Specification, paragraph 0005. While users might be asked to authenticate to use the network, bandwidth was provisioned to the routers, not the individual users. This meant that any one user connected to a particular router could consume a majority of the bandwidth (e.g., downloading pictures from the Internet), slowing down the network for other users connected to that router. *See* Specification, paragraph 0006.

Embodiments of the invention as recited in claims 1-60 overcome the shortcomings of the prior art by allocating bandwidth on a per user basis. More specifically, an arbitrary number of attributes in a user profile can specify bandwidth limitations for the corresponding user. Based on the user profile for each user, at least one bandwidth can be established for each user accordingly. *See* Specification, paragraphs 0009 and 0027. This prevents any one user from consuming excessive amounts of bandwidth at the expense of the network performance of other users. Further embodiments of the invention as recited, for example, in claim 9, allow the bandwidth allocated to a user profile to be dynamically updated. This allows for dynamic bandwidth shaping on a per user basis and allows bandwidth to be reallocated among users dynamically as users are added or dropped from a network. *See* Specification, paragraph 0025.

By contrast, Morris teaches a method of regulating behavior in an online forum such as an online chat-room where users post messages on a message board or send messages between each other. *See* Morris, column 4, lines 60-66. In particular, if a user's actions or messages in an online forum are deemed by other users or policies to be too "evil", then the user's permitted messaging rate may be curtailed. Messaging rate is simply the number of messages a user may send to one or more other users. *See* Morris, column 6, lines 1-5. Curtailing a messaging rate is referred to as rate limiting. *See* Morris, column 12, lines 1-4. Thus, Morris teaches where a user who has sent too many "evil" messages to other users may be curtailed from sending further messages.

Applicant respectfully submits that Morris does not teach allocating network bandwidth. As described above, the claim term 'network bandwidth' concerns the availability of network

Attorney Docket No.   10/687,002
ION1120-1   Customer ID: 44654

15

capacity (i.e., how much data a user can send and receive over a network over time). Limiting messaging rates of a user in an online forum as described in Morris appears to have no effect on the allocation of network bandwidth. For example, a user may have a large network bandwidth but be severely rate limited in a particular chat-room. The fact that the user is rate limited in that chat-room will not affect the allocation of network bandwidth and hence the user's ability to use the network (e.g., the user can still download or upload data up to the limits of the network bandwidth allocated to the user). Thus, Applicant respectfully submits that limiting messaging rates as taught by Morris is not allocating network bandwidth according to user profiles as recited in claims 1-60. For at least this reason, Morris does not teach or anticipate claims 1-60.

Applicant further points out that allocating network bandwidth to user profiles takes place at the network layer whereas limiting messaging rates appears to take place at the application layer (e.g., sending 'evil' messages).

In view of the foregoing, Applicant respectfully submits claims 1-60 are patentable over Morris. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include any acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-60. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

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